

REMARKS

Claims 2 and 5-22 are pending in this application after this Amendment. Claims 6, 11, 13, and 18-20 are independent. Claims 1 and 3-4 have been canceled without prejudice or disclaimer to the subject matter contained therein. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-2, 6-7, and 10 under 35 U.S.C. § 102(e) as being anticipated by *Windle* (USP 6,606,117); rejected claims 3, 11, and 12 under 35 U.S.C. § 102(e) as being anticipated by *Maehama et al.* (USP 6,219,492); rejected claims 4, 5, 13-14, and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Windle* in view of *Maehama et al.*; rejected claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over *Windle* in view of *Kyuma et al.* (USP 5,883,666); and rejected claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Windle* (and presumably *Maehama et al.*) in view of *Kyuma et al.* Applicants respectfully traverse these rejections.

By this Amendment, Applicants have amended claims 5-6, 11, and 13 to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

**Examiner Interview**

Applicants wish to thank the Examiner for the interview conducted on September 9, 2004. It is respectfully submitted that the comments and new claims included herein are made further to the discussions had during the interview.

**Claim Rejections - 35 U.S.C. §102**

By this Amendment, Applicants have canceled claim 1 and added new claim 18. The Examiner's rejection of claim 1 will be discussed with regard to claim 18.

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Windle* discloses a composition assist frame selecting method including a composition assist frame, citing to Fig. 7 corresponding to a portrait mode. Applicants respectfully disagree with the Examiner's characterization of this reference.

In Fig. 7, *Windle* discloses centre marker 701, align marker 702, and position indicator 401. It is respectfully submitted that these elements as depicted in Fig. 7 do not teach or suggest a composition assist frame as set forth in the pending claims. The Examiner's interpretation of the term "composition assist frame" appears to be contrary to the definition set forth in the specification, together with the ordinary meaning of the term "frame".

As can be seen in Figs. 15(A)-15(F) of the present application, the composition assist frames circumscribe an area

within the display and are generally rectangular in shape. The Webster's Encyclopedic Unabridged Dictionary of the English Language defines "frame" as follows:

**frame** (frām), *n., v., framed, fram-ing -n.* **1.** a border or case for enclosing a picture, mirror, etc. **2.** a rigid structure formed of relatively slender pieces, joined so as to surround sizable empty spaces or nonstructural panels, and generally used as a major support in building or engineering works, machinery, furniture, etc. **3.** a body, esp. a human body, with reference to its size or build; physique: *He has a large frame.* **4.** a structure for admitting or enclosing something: *a window frame.*

Based on the definition of the term "frame" as defined in the specification, together with the ordinary meaning of the term, it is respectfully submitted that the Examiner's reliance on the markers and the position indicator as depicted in Fig. 7 of the Windle reference are insufficient to anticipate this claim element.

Further, in support of the Examiner's rejection of claim 1, the Examiner asserts that Windle discloses extracting at least one composition assist frame that can be selected from the plurality of composition assist frames according to the shooting mode, citing to col. 6, lines 9-17. Applicants disagree with the Examiner's characterization of this reference.

Windle discloses a content information gathering apparatus system and method. Specifically, at col. 6, lines 9-17, Windle discloses:

Turning now to FIG. 3, initially pressing the mode template button 204 causes a list of available templates 301 to be displayed on the LCD 203. In

this example, the templates include a landscape template, a pan shot template and a portrait template, which were uploaded to the gathering device as described above. A selector button 205 is used to navigate through the available options, and to select the desired template. A selection arrow 302 displayed on the LCD 203 indicates the current template selection.

In contrast, the present invention as set forth in claim 18 recites, *inter alia*, a composition assist frame selecting method for a digital camera, the method comprising extracting at least one composition assist frame associated with the selected shooting mode from a plurality of composition assist frames and enabling selection of a composition assist frame from the at least one extracted composition assist frame associated with the selected shooting mode. As noted above, *Windle* teaches a mode template button that causes a list of available templates to be displayed. The Examiner equates this list of templates with a list of shooting modes. *Windle* further teaches a selector button to navigate through the available options to select the desired template. Again, this merely allows the user, according to the Examiner, to select the appropriate shooting mode. Once a template has been selected, the LCD shows a number of elements, including a position indicator and a line up marker (col. 6, lines 27-28).

There is no teaching or suggestion in *Windle* that is directed to extracting at least one composition frame **associated with the selected shooting frame** from a plurality of composition assist

frames. Assuming, *arguendo*, that *Windle* teaches performing an extraction, this extraction takes place when the list of available templates is generated. Further, there is no teaching or suggestion in *Windle* that is directed to enabling selection of a composition assist frame from the at least one extracted composition assist frame associated with the selecting shooting mode. *Windle* merely teaches that once a template has been selected, the elements appear on the screen. As *Windle* fails to teach or suggest all of the claim elements, it is respectfully submitted that new claim 18 is not anticipated by the cited reference.

It is respectfully submitted that claim 6 contains elements similar to those discussed above with regard to claim 1, and thus claim 6, together with claims dependent thereon, are not anticipated by *Windle*.

**Claim Rejections - 35 U.S.C. § 102(e) - *Maehama et al.***

By this Amendment, Applicants have canceled claim 3. The Examiner's rejection of claim 3 will be discussed with regard to new claim 19.

In support of the Examiner's rejection of claim 3, the Examiner asserts that *Maehama et al.* teaches a composition assist frame, citing to Fig. 3 and col. 5, lines 37-51. Applicants respectfully disagree with the Examiner's interpretation of the phrase "composition assist frame".

As set forth in the specification on page 1, lines 11-13, composition assist frames are utilized so that a novice can compose an excellent image. The Webster's Encyclopedic Unabridged Dictionary of the English Language defines "compose" as follows:

**com·pose** (kəm pōze'), *v.*, **-posed, -pos·ing.** *-v.t.* **1.** to make or form by combining things, parts, or elements: *He composed his speech from many research notes.* **2.** to be or constitute a part or element of: *a rich sauce composed of many ingredients.* **3.** to make up or form the basis of: *Style composes the essence of good writing.*

Further, the definition of "composition" is as follows:

**com·po·si·tion** (kəm 'pə zish 'ən), *n.* **1.** the act of combining parts or elements to form a whole. **2.** the resulting state or product. **3.** manner of being composed; structure: *This painting has an orderly composition.* **4.** makeup; constitution: *His moral composition was impeccable.*

In contrast, the disclosure of Maehama et al. provides for a camera that has a distance measuring device including an area sensor and a setter for setting the positions and sizes of a plurality of calculation regions demarcated on the light-sensing surface of the area sensor. The setter can be controlled so as to set the sizes of the calculation regions for a distance calculation according to the size of the object that is likely to be detected in those calculation regions. This reduces the possibility of low contrast and foreground/background interference and thereby enhances distance measurement accuracy (Abstract). As distance measurement data is calculated accurately in a plurality of regions, it is possible to select, as distance measurement data to

be used to perform automatic focusing, distance measurement data obtained from appropriate calculation regions (col. 6, lines 33-38). There is no teaching or suggestion in *Maehama et al.* that is directed to composition assist frames. *Maehama et al.* merely teaches setting calculation regions in order to assist in the automatic focusing. There is no teaching or suggestion in *Maehama et al.* that is directed to these calculation regions being utilized to assist a user in composing a picture. As such, it is respectfully submitted that *Maehama et al.* fails to anticipate the present invention.

In addition to the above, it is respectfully submitted that claim 19 recites, *inter alia*, a composition assist frame selecting method for a digital camera comprising extracting at least one composition assist frame associated with a determined direction of the digital camera from a plurality of composition assist frames and enabling selection of the at least one extracted composition assist frame associated with the determined direction of the digital camera. Assuming, *arguendo*, that *Maehama et al.* teaches extracting the at least one composition assist frame associated with the determined direction of the digital camera, there is no teaching or suggestion in *Maehama et al.* that is directed to enabling selection of a composition assist frame from the at least one extracted composition assist frame associated with the determined direction of the digital camera. *Maehama et al.* merely

teaches setting the calculation regions to be a particular size. There is no indication that these calculation regions can be selected.

As *Maehama et al.* fails to teach or suggest all of the elements as set forth in claim 19, it is respectfully submitted that claim 19 is not anticipated by *Maehama et al.*

As claim 11 contains elements similar to those discussed above with regard to claim 19, it is respectfully submitted that claim 11, together with claims dependent thereon, are not anticipated by *Maehama et al.* based upon the reasons set forth above with regard to claim 19.

**Claim Rejections - 35 U.S.C. § 103 - *Windle/Maehama et al.***

By this Amendment, Applicants have canceled claim 4 and have added new claim 20. The Examiner's rejection of claim 4 will be discussed with regard to claim 20.

In support of the Examiner's rejection of claim 4, the Examiner asserts that *Windle* discloses a composition assist frame, extracting at least one composition assist frame and displaying a selected composition assist frame. However, as noted above with regard to claim 18, *Windle* is deficient in teaching these claim elements.

The Examiner admits that *Windle* does not disclose the direction determining device and extracting and selecting composition assist frames in accordance with the determined



direction. However, as discussed above with regard to claim 19, *Maehama et al.* fails to teach or suggest these elements. As neither of the cited references, either alone or in combination, assuming these references are combinable which Applicants do not admit, teach or suggest all of the claim elements, it is respectfully submitted that claim 20 is not obvious over the references as cited by the Examiner.

It is respectfully submitted that claim 13 contains elements similar to those discussed above with regard to claim 19, and thus claim 13, together with claims dependent thereon, are not obvious for the reasons set forth above with regard to claim 19.

#### Conclusion

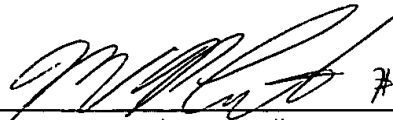
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicants respectfully petition for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$110.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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